
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

DeGerald Roy Wilson,

Plaintiff,

versus

Civil Action H-09-3916

Texas Department of Health
and Human Services and Bexar
County Human Resources,

Defendant.

Joint Opinion

1. *Introduction.*

A man who applied for jobs on-line was not hired. He says the potential employer discriminated against him, but he has no evidence. He sued the Texas Department of Health and Human Services twice and Bexar County Human Resources once. They will collectively be called the Department. The petitions are identical and all will be dismissed.

2. *Background.*

The Department has a website that lists its job openings and accepts on-line applications for them. From 2006 to 2009, DeGerald Roy Wilson applied for numerous positions though the website. The Department never hired him.

3. *Discrimination.*

Wilson accuses the Department of employment discrimination because it did not hire him. He says the Department discriminated against him because of his race, color, sex, and religion.

Someone who claims he was mistreated in connection with his work because of a protected characteristic must prove (a) that he belongs to a protected class, (b) that he applied and was qualified for the job, (c) that he was rejected, and (d) that after his rejection

the employer continued to seek applicants from persons of complainant's qualifications. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973).

The entirety of Wilson's complaint is that he applied for jobs but was never hired. He does not show that he is qualified for the positions. He does not point to anyone who was similarly situated who was (a) treated better than he, and (b) who was of another race, color, sex, or religion. In fact, he does not show that the Department was even aware of his superficial characteristics. Because the complaint contains no indication of discrimination, Wilson has not stated a claim.

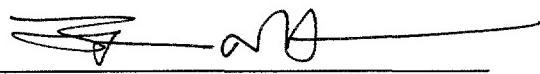
4. *History of Litigation.*

In the last seven years, Wilson has filed ten cases in the Western District of Texas and five in the Southern District of Texas. Each case is similarly devoid of a legitimate basis.

5. *Conclusion.*

The case will be dismissed because Wilson's complaint states no facts that indicate discrimination.

Signed on January 26, 2010, at Houston, Texas.



Lynn N. Hughes
United States District Judge